

**UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

**SHELBY DWAIN MAIER,**

**Petitioner,**

**v.**

**SCOTT NUNN,**

**Respondent.**

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**Case No. CIV-22-273-G**

**ORDER**

On March 31, 2022, Shelby Dwain Maier, a state prisoner, filed this action seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254. *See* Pet. (Doc. No. 1). In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for initial proceedings. On August 8, 2022, Respondent Scott Nunn filed an Answer (Doc. No. 13), as well as the relevant state-court record.

On September 27, 2022, Judge Erwin issued a Report and Recommendation (Doc. No. 16), in which he recommended that the Petition be denied. In the Report and Recommendation, Judge Erwin advised the parties of their right to object. Judge Erwin also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation. As of this date, no party has submitted an objection to the Report and Recommendation or sought leave for additional time to do so.

**CONCLUSION**

Accordingly, the Report and Recommendation (Doc. No. 16) is ADOPTED in its

entirety. The Petition for Writ of Habeas Corpus (Doc. No. 1) is DENIED. A separate judgment shall be entered.

Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires the Court to issue or deny a certificate of appealability when it enters a final order adverse to a petitioner. A certificate of appealability may issue only upon “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). “A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court’s resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further.” *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

Upon review, the Court concludes that the requisite standard is not met in this case. Thus, a certificate of appealability is DENIED.

IT IS SO ORDERED this 14th day of November, 2022.

  
CHARLES B. GOODWIN  
United States District Judge